

**AN ORDINANCE BY
COUNCILMEMBER ANNE FAUVER
AS SUBSTITUTED BY TRANSPORTATION COMMITTEE #2**

**AN ORDINANCE AUTHORIZING A PROCEDURE TO BE
FOLLOWED IN THE IMPLEMENTATION OF THE
ANSLEY PARK NEIGHBORHOOD PEDESTRIAN AND
BICYCLE SAFETY AND TRAFFIC CALMING MASTER
PLAN; AND FOR OTHER PURPOSES.**

WHEREAS, in October of 2000, the City of Atlanta, the Ansley Park Civic Association, Atlantic Station L.L.C., the Georgia Regional Transportation Authority, and the State of Georgia Department of Transportation, entered into an agreement concerning the development of the site now known as Atlantic Station and the construction of the Seventeenth Street Bridge (the "Atlantic Station Agreement"); and

WHEREAS, pursuant to the Atlantic Station Agreement, Ansley Park agreed to refrain from instituting litigation in exchange for a traffic study to provide an analysis of traffic patterns through the Ansley Park Neighborhood and identify appropriate remedial and/or preventive steps to deter "cut-through" traffic and to slow all traffic on neighborhood streets ("the Ansley Park Traffic Study"); and

WHEREAS, Atlantic Station L.L.C. ("Atlantic Station") provided \$150,000 to fund the Ansley Park Traffic Study to make recommendations for pedestrian and bicycle safety and traffic calming devices to accomplish the objectives of the Atlantic Station Agreement; and

WHEREAS, the City of Atlanta, the Georgia Department of Transportation and Atlantic Station agreed to support implementation of the recommendations of the Ansley Park Traffic Study; and

WHEREAS, Atlantic Station has provided \$2,800,000 to fund implementation of the recommendations of the Ansley Park Traffic Study; and

WHEREAS, the recommendations of the Ansley Park Traffic Study have been incorporated into the Ansley Park Neighborhood Pedestrian and Bicycle Safety and Traffic Calming Master Plan (the "Ansley Park Traffic Plan"); and

WHEREAS, the Ansley Park Civic Association and the City of Atlanta have applied and received commitments for federal grants to fund implementation of the recommendations of the Ansley Park Traffic Study under the Q23 program, which has been identified by the Atlanta Regional Commission and the Georgia Department of Transportation ("GDOT") as AT-222A / P.I. #0006718 and a Transportation Enhancement program grant under Application 5-121-04-08; and

Condition 5. The City and the Ansley Park Civic Association shall have entered into an agreement concerning the allocation of the costs and expenses associated with the construction and installation of the Ansley Park Traffic Plan pursuant to the projects identified in Conditions 3 and 4. Such agreement shall provide that all such costs and expenses shall be paid for with the funds provided by the Ansley Park Civic Association and funds provided under any federal or state grants, and the City of Atlanta shall incur no liability for the payment of any such cost or expense. The City shall not provide any funding for any feature of the Ansley Park Traffic Plan and shall not be obligated to construct or any install any feature not contained in the projects identified in Conditions 3 and 4 or which is not funded by the Ansley Park Civic Association and/or by state or federal funds under the applicable grant agreements. The agreement shall include a provision which requires the Ansley Park Civic Association to indemnify the City against any future claims which arise from the installation of those elements which do not conform to the guidelines used by the Department of Public Works for any claims made against the City alleging that the installation of those elements was a contributing factor to the event which caused the claim to be filed.

Condition 6. Unless and until reclassified as other than collector street the Beverly/Polo/Montgomery Ferry collector shall not qualify for "speed humps" which are defined for the purpose of this ordinance as that geometric roadway design feature described and defined in the document titled "Guidelines for the Design and Application of Speed Humps" issued by the Institute of Transportation Engineers' Technical Council Task Force in March 1993 and subsequent revisions. Any re-designation of the Beverly/Polo/Montgomery Ferry collector to a street classification less intense than a collector street and where "speed humps" are otherwise allowed may allow the installation of such devices on this street segment provided that all other criteria are satisfied.

Condition 7. The Ansley Park Civic Association waives all claims as to any further obligation of the City under the Atlantic Station Agreement except where the City's obligations are specifically set forth in this ordinance. As a part of the document waiving the claims arising under the Atlantic Station Agreement, the parties will acknowledge that there is a pending issue with regard to certain improvements discussed in Condition 6, such that this waiver shall not operate to foreclose any such construction after the re-designation of the Beverly/Polo/Montgomery Ferry collector.

SECTION 2: That the Mayor is hereby authorized to execute on behalf of the City a Memorandum of Transportation Enhancement Memorandum of Understanding with GDOT, substantially in the form attached as Attachment "B" for that project which is identified as Transportation Enhancement program

grant application 5-121-04-08 (the "MOU"). The purpose of the MOU is to allow the City to perform or cause to be performed those actions leading to an agreement with GDOT for the construction of that transportation improvement project (the "TE Project"), under which the City will provide the local match funding in order to obtain from the GDOT the matching federal funds for the construction of the TE Project. Provided however that the City's local match must be funded by grants from third parties and no City funds are committed to the project.

SECTION 3: That the Mayor is hereby authorized to execute on behalf of the City an agreement to construct that project that is the subject of the Transportation Enhancement MOU with GDOT for that TE Project referenced in Section 2.

SECTION 4: That the Mayor is hereby authorized to execute on behalf of the City such agreements with GDOT as are necessary for the construction of that project which has been identified by the Atlanta Regional Commission and GDOT as AT-222A / P.I. #0006718.

SECTION 5: The City Attorney be and hereby is directed to negotiate, prepare and/or review the agreements necessary to effect the intent of this ordinance provided that such agreements are in compliance with the conditions set forth herein.

SECTION 6: No element installed on any street segment within Ansley Park pursuant to the authorization set forth in this shall be removed unless all of the following are met:

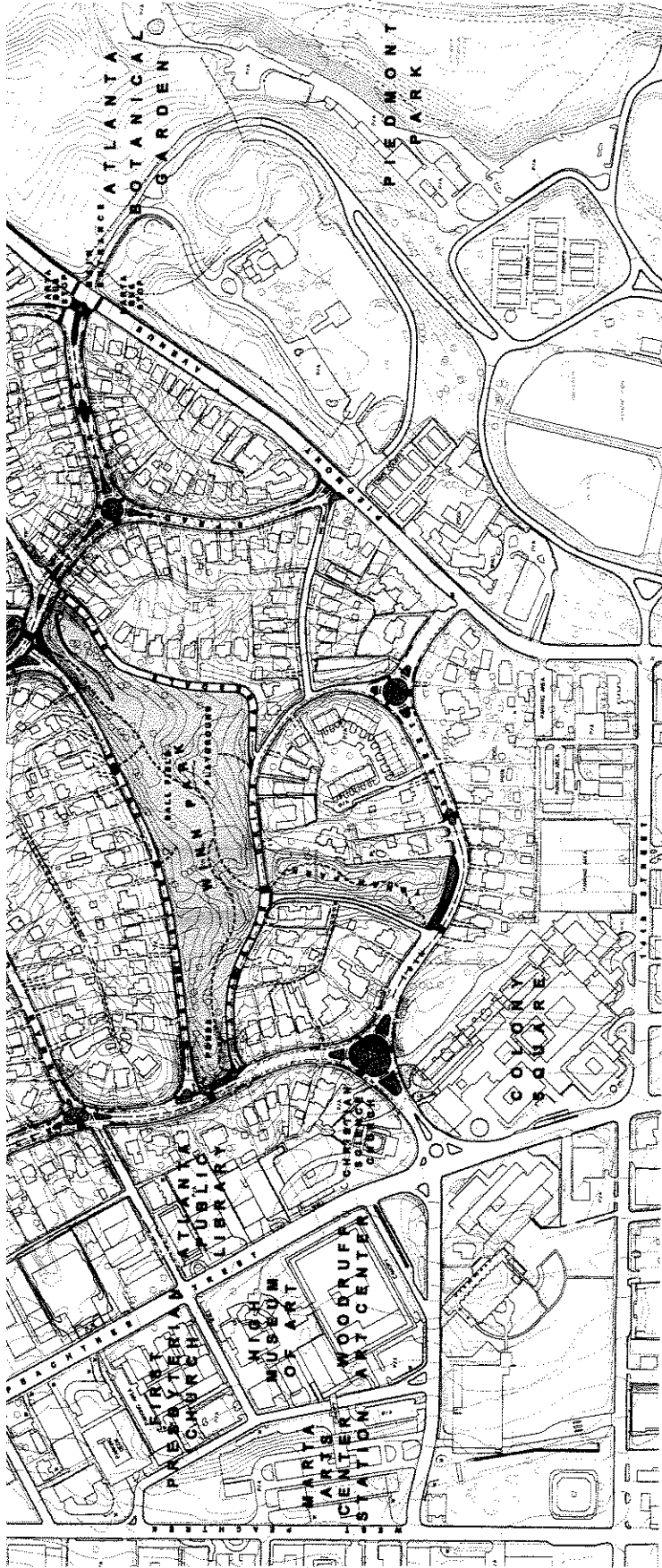
(1) Owners of seventy-five percent of the properties located on that street segment, via formal petition in a form satisfactory to the Department of Public Works, request the removal.

(2) The traffic calming device shall have been in place for more than one year.

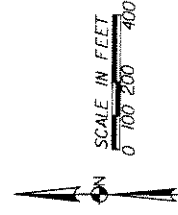
(3) The property owners shall be made aware that speeds will increase.

(4) The property owners agree to pay all costs associated with such removal, including without limitation the costs assessed under Sec. 134-27 of the City Code and any payment which may be required to reimburse the City, GDOT or the Federal Highway Administration if such reimbursement is required for the removal of such elements installed under any funding agreement.

SECTION 7: This ordinance shall become effective upon signature by the Mayor or by operation of law as provided in City Charter 2-403.



Master Plan: Ansley Park Traffic Calming and Pedestrian Access January 30, 2006



LEGEND

	PAINTED CROSSWALK		YIELD SYMBOL
	SPEED TABLE		PAINTED BIKE LANE
	RAISED CROSSWALK (GRANITE COBBLES/ CONCRETE WALK)		END, ON STREET PARKING
	PAINTED DIRECTIONAL		DRIVEWAYS
	EXISTING TREE		EXISTING CITY PARKS
			NEW LANDSCAPED GREENSPACE

06-0-1041 Substrike #2

